IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

CM No.11360-61-C of 2005 and
RSA No.4227 of 2005

Bharpur Singh V. Gurcharan Singh and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Jasbir Rattan, Advocate, for the appellant.
Shri Ajay Pal Singh, Advocate,for respondent No.1.

Viney Mittal,J.

There is an inordinate and unexplained delay of 454 days in filiing the present appeal. In the application under section 5 of the Limitation Act,1963, absolutely no explanation has been furnished as to why the said delay has occurred.

In these circumstances, I do not find any justification to condone the aforesaid delay. The application under section 5 of the Act is consequently dismissed. As a result thereof, the appeal is also liable to be dismissed as barred by limitation.

Even otherwise on merits of the controversy, both the courts below have held that the the suit filed by the plaintiff, Gurcharan Singh for partition of the joint property was justified and it was not shown by the defendants that there was any other property which was still joint between the parties and as such the defence raised by the defendant-appellant that the suit was bad for partial partition has been rejected.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 29,2007 (Viney Mittal)
sks Judge